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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,172	11/03/2003	Janice E. Merola	SP03-160	9566
20874	7590	09/15/2005	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			LOPEZ, CARLOS N	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/700,172	MEROLA ET AL.	
	Examiner	Art Unit	
	Carlos Lopez	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 21 July 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Response to Amendment

The amendment filed on 7/21/05 has entered. The claimed objection to the drawings and specification is withdrawn in view of applicant's remarks noted in bridging paragraph of pages 7-8. Additionally, it is noted that support figure 3b is an embodiment of the claimed invention is found in page 4, lines 1-2 and 12-14 of the originally filed specification.

Drawings

The drawings were received on 7/21/05. These drawings are acceptable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bitter (US 4,655,811) in view of Dunifon et al (US 2002/0116950). Bitter discloses a method of producing curved glass member for windshields. The claimed step of "providing a processing fixture including at least one curved support member having a predetermined curvature, the at least one curved support member being configured to support the at least one glass substrate" is shown by figure 3 and detailed in Col. 8, lines 25ff. The claimed step of "placing the at least one glass substrate on the at least one curved support

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member" is deemed as the placing of the glass sheets 1 and 2 on curved support members 121-123 as shown in figure 3. The claimed step of "heating the at least one glass substrate to a predetermined temperature for a predetermined period of time", is deemed as bending the glass by heating the glass to temperature of 660°C as noted in Col. 12 lines 33ff, for which the claimed predetermined time is deemed as the time it takes to bend the glass sheet.

In Col. 8, lines 26ff, Bitter notes that the glass is heated sufficiently near its softening point to cause the glass to sag down into the hinged support members 121-123. Bitter in disclosing the glass is "heated sufficiently near its softening point", clearly envisage that the heating temperature to bend the glass may be below or above its softening point.

Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that Bitter heats the glass sheet below the softening point in order to provide a bend on the glass sheet. The teaching of Bitter of "heated sufficiently near its softening point to cause the glass to sag" thus encompasses temperatures that are below and above the softening point of glass since either temperature can provide for the claimed effect of causing a glass shape change, as instantly claimed.

Bitter is silent disclosing using a curved support member that is chemically unreactive with the glass substrate being bent. However, Dunifon notes that glass, made for windshields require surfaces free from defects and optical distortion that would tend to interfere with the clear viewing through the windshield (Col. 1, paragraph 5).

Dunifon teaches of providing ceramic materials onto the members that bend the glass sheets such that glass sheet and the bending member have similar thermal expansions so that a distortion of the glass does not occur (See paragraphs 14, 31, and 50).

Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have provide the bending members 121-123 of Bitter with ceramic material as taught by Dunifon in order to not distort the glass sheet during bending. Furthermore, ceramic material being used to bend the glass sheet is deemed as being chemically un-reactive to the glass, since doing so would result unwanted optical defects to the glass being bent that Dunifon seeks to remedy.

As for claim 3, glasses 1 and 2 are supported by the support members.

As for claims 5-6, while Bitter is silent disclosing the time required to sag the glass onto the curved substrate, it is deemed that is obvious to a person of ordinary skill in the art that the time would depend on the applied temperature being weight against the desired rate of production. Hence, the claimed heating times are obvious process parameters to a person of ordinary skill in the art that are depended, inter-alia, on the desired rate of production and heating temperature.

As for claim 7, the glass is bend to impart a desired curvature on the glass. Consequently, the glass is bend for the intention of having the glass retain a curvature.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is 571.272.1193. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571.272.1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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